



STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)	
ex rel. JAMES E. RYAN, Attorney)	
General of the State of Illinois,)	
)	
Plaintiff,)	
)	
v.)	No. 00 CH 09296
)	
EGAN MARINE CORP., an Illinois)	
Corporation,)	
)	
Defendant.)	

**DEFENDANT'S ANSWER TO PLAINTIFF'S FIRST SET
OF INTERROGATORIES AND DOCUMENT PRODUCTION REQUEST**

NOW COMES the Defendant, EGAN MARINE CORP, and by way of
answer to the Interrogatories and Document Production of the
Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, states as follows:
Interrogatory No. 1:

Please identify:

a. The individual(s) answering these interrogatories on
behalf of the Defendant, including his or her relationship to
Defendant, and how long he or she has been associated with the
Defendant.

b. Each person who provided information or who otherwise
consulted, participated or assisted in connection with providing
answers to these interrogatories, the nature of any such
consultation or assistance, whether the information was based on
personal knowledge, and if not on the basis of personal
knowledge, on what basis it was provided.

c. For each person identified in Answer to interrogatory No. 1(b), specify the particular interrogatories to which each such person contributed.

ANSWER: Dennis Egan, President Egan Marine Corp.
Dan Egan, Operations Manager Egan Marine
Robin Chanda, Sec./Treas. Egan Marine
P.O. Box 669
Lemont, Illinois 60439
(630) 739-0947

The Defendant objects to the request to identify which person answered which part of the interrogatories since the answers are verified.

Interrogatory No. 2:

Identify the name, address, phone number, occupation, and responsibility of any and all persons having knowledge of the operations at the Site and/or the facts pertaining to any possible dumping of materials at the site or any of the facts alleged in the Complaint filed in People v. Egan Marine Corp., 00 CH 09296, including any of the persons that Defendant intends to call as witnesses, including their relationship, if any, to the Defendant.

ANSWER: In addition to Parties in #1 above:
Janette Virgilio, President, EnMarc Corp.
30 Stevens Street
Lemont, Illinois 60439
(630) 257-9357

Clay A. Fust
Arnm Heggens
U.S. Coast Guard
Marine Safety Office, Chicago
215 W. 83rd Street
Burr Ridge, Illinois 60521-7059

Barbara Carr, SPCC Coordinator
U.S.E.P.A.
U.S.E.P.A. Region 5-(HSE-5J)

77 West Jackson Blvd.
Chicago, Illinois 60604-3590
(312) 353-8200

Richard Williams, Shipyard Supervisor
Service Welding and Ship Building
P.O. Box 669
Lemont, Illinois 60439
(630) 739-6551

Interrogatory No. 3:

With respect to any witnesses, please state the following:

- a. The name, address, and employer of each witness.
- b. A summary of the relevant facts within the knowledge of or which said witness will testify.
- c. A listing of any document or photograph which any such witness has relied upon, will use or which Defendants may introduce into evidence in connection with the testimony of said witness.

ANSWER:

- a. See ##s 1 and 2 above
- b. Each of the parties have knowledge of the operations of Egan Marine Corp and Service Welding and Ship Building, and are familiar with the material in question, and Ms. Carr approved the last SPCC Plan.
- c. Defendant will introduce a new SPCC Plan upon receipt of it from Ms. Virgilio.

Interrogatory No. 4:

With respect to any witness(es) interviewed by Defendant who Defendant does not intend to call to testify, state the name and address of any such witness, state whether a transcript of any interview with said witness was prepared, or a memorandum prepared in connection with any such interview, and provide a summary of the facts or opinions relevant to this proceeding

which were secured from said witness.

ANSWER:

No witnesses were interviewed and no documents of any interviews exist.

Interrogatory No. 5:

Identify any and all opinion witnesses that Defendant has interviewed and/or expects to call at trial. Specify:

1. The subject matter on which the opinion witness is expected to testify, as well as the conclusions, opinion and/or expected testimony of any such witness.

2. The qualifications, including but not limited to the opinion witness' educational background, practical experience in the area he or she is expected to testify in, any articles and papers he or she has written, any and all seminars and post graduate training he has received, his experience, if any, as a teacher or lecturer and his or her professional appointments and associations.

3. The identity of each document examined, considered, or relied upon by him or her to form his or her opinions.

4. All proceedings in which each opinion witness has previously testified as an opinion witness.

5. Any and all reports of the opinion witness.

ANSWER:

A new SPCC report is being prepared by:
Janette Virgilio, President, EnMarc Corp.
30 Stevens Street
Lemont, Illinois 60439
(630) 257-9357

Upon receipt Defendant will be able to fully answer this interrogatory. Until that time the information is unknown.

Interrogatory No. 6:

Identify all material at the Sites that Defendant claims are salvageable and identify their present locations at each site. If Defendant claims that all material is salvageable please provide a detailed list of all materials at the site and their present locations.

ANSWER:

The site has been cleaned of all waste materials which are the subject of the complaint. There is still located on the site various soy products that are stored for later sale. Soy meal is stored in 55 gallon drums. Soy oil is stored in storage tanks.

Interrogatory No. 7:

Identify all material at the site that Defendant claims are not salvageable, including the present location of said materials.

ANSWER:

The non salvageable materials that were the subject of the U.S. Coast Guard complaint have been removed by Land and Lakes, 123 N. NorthWest Highway, Park Ridge, Illinois 60068, (847) 825-5000, a scavenger service to an approved E.P.A. land fill during approximately September of 1999, which was prior to this action being filed.

Interrogatory No. 8:

Describe with particularity the nature of the business and/or operation conducted on the site by the respondents. Said answer shall include, but not be limited to, the following:

- a. Starting dates of each activity or operation;
- b. Completion dates, if applicable;
- c. Identification of any and all documents relating to Defendant's activity at the site, including, but not limited to any environmental permits issued for the site, ownership records for the site, lease agreements and records for the site and any

documents identifying the amount and nature of waste taken to and from the site, including, but not limited to contracts for waste disposal and recycling.

ANSWER:

- a. Egan Marine was incorporated in September of 1980.
- b. Egan is an Illinois Corporation in good standing.
- c. Egan Marine is engaged in the marine industry. Among its primary activities is the charter of towboats and barges. Egan Marine has no E.P.A. permits, no ownership records of the site, no leases records, no records of waste taken to or from the site, and no contracts for waste removal from the site.

Interrogatory No. 9:

Describe with particularity the procedure at the site today for separating recyclables from non-recyclable waste and how do those procedures differ from those in place in 1999?

ANSWER:

All waste removed from barges is consolidated and removed from the site once a sufficient accumulation is accrued to warrant testing before removed. Material removed from the barges is not recycled. In 1999 the waste pile accumulated to a size larger than optimal, which was an unusual situation. The removal of product from inner bottoms of EMC 334 was done under direct orders of the United States Coast Guard, and created a financial hardship since funds were not available for required testing before the material could be properly disposed of in an EPA approved land fill.

Interrogatory No. 10:

Did you ever accumulate or store non-recyclable waste on the ground either inside or outside the facility at the site?

ANSWER:

No.

DOCUMENT PRODUCTION REQUEST

1. All documents identified, relating to and/or referred to in the answer to these interrogatories.

ANSWER: C.V. of expert witness will be produced upon receipt of SPCC report as will such report. No other documents are

contemplated.

2. All reports including drafts, prepared by any witness in conjunction with his or her testimony and all documents that each witness relied upon in forming his/her opinion or upon which he or she intends to rely.

ANSWER: The Defendant objects to this request because it is too broad and requests items that the Defendant has no control over, requests documents that have not yet been used to formulate opinions, and request work product and privileged documents.

3. If not produced in Document Request #1, the resume, or other documents relating to the qualifications and experience of each opinion witness:

ANSWER: CVs of opinion witnesses will be produced if available.

4. All documents which are in the possession of consulting witnesses retained by you and which relate to the issues involved in the litigation.

ANSWER: Defendant objects to the items requested since the request is too broad and is unclear as to what documents could be considered in such a category.

5. All documents which are related to the violations alleged in Plaintiff's Complaint filed in this case.

ANSWER: Defendant does not have any such documents that are not already in the possession of the Plaintiff.

6. Any documents relating to or supporting Defendant's admissions or denials contained in their answer.

ANSWER: Defendant has no such documents other than incorporation documents of Egan Marine Corp.

7. Any documents related to the ownership or leasing of the property.

ANSWER: The property is not owned by the Defendant and is not leased by the Defendant.

8. Any documents related to the potential hazards to human health and the environment resulting from:

a. site condition.


b. site operation.

ANSWER:

a. None

b. None

Respectfully submitted,


Thomas J. O'Donnell, attorney
for Egan Marine Corp.

State of Illinois)
) SS
County of Cook)

I, DENNIS EGAN, state that I have read the answers to these interrogatories and know them to be true and correct to the best of my knowledge and belief.

Dennis Egan

Thomas J. O'Donnell
Attorney # 54077
Attorney for Egan Marine Corp.
1200 E. Roosevelt Road, Suite 310
Glen Ellyn, Illinois 60137
(630) 832-0451